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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 JENNIFER SAMSON DAVID, by and
12 through her attorneys-in-fact ROBERT
NOVAK and CONSTANT NOVAK,
13 individually and in her representative capacity
as successor in interest to Glenn P. David,

14 Plaintiff,

15 vs.

16 CITY OF FREMONT, a municipal
17 corporation; CRAIG STECKLER,
individually and in his capacity as Chief of
18 Police for the City of Fremont; OFFICER
MICHAEL CHINN, individually; DOES 1-
19 10, inclusive,

20 Defendants.
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CONSOLIDATED
Case No. C 05-00046

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND ENE DEADLINE**

23 At the recommendation of the Early Neutral Evaluator appointed by the Court in this
24 matter, the parties stipulate and request pursuant to ADR Local Rule 5-5 that the deadline for
25 holding the Early Neutral Evaluation (ENE) be extended by one month to October 31, 2005. As
26 grounds therefore, the parties state:

27 The Court's Case Management Order of June 21, 2005, provides that the ADR session in
28 this matter must be held by September 30, 2005 "or as soon thereafter as is convenient to the

mediator's schedule";

On July 18, 2005, Sanford Jay Rosen was appointed Early Neutral Evaluator in this matter;

On July 21, 2005, Mr. Rosen, through his assistant Paloma Wu, sent an email to all counsel advising that he was unavailable to conduct the preliminary ENE phone conference until after August 15, 2005, and that he will be unavailable to conduct the ENE session during the week of September 26, 2005. Mr. Rosen suggested that "due to the late scheduling of the preliminary conference call" and his partial unavailability, counsel and the parties "should consider seeking a stipulated order from the Court permitting the session to be conducted by the end of October."

All parties agree and concur with Mr. Rosen's suggestion that the ENE deadline be extended through the end of October.

A preliminary ENE conference call has been scheduled for August 23, 2005, at 2:00 p.m.;

WHEREFORE, the parties stipulate and respectfully request that the ENE deadline be extended to October 31, 2005.

Dated: August 11, 2005

LAW OFFICES OF MICHAEL S. SORGEN

By: _____/s/_____
Joshua Sondheimer

Attorneys for Plaintiffs JENNIFER SAMSON DAVID, by
and through her attorneys-in-fact ROBERT NOVAK and
CONSTANT NOVAK

Dated: August _____, 2005

LAW OFFICES OF JOHN BURRIS

By: _____/s/_____
Benjamin Nisenbaum

Attorney for Plaintiffs RACHEL AND MICHEL DAVID,
minors by and through their guardian ad litem, LORI
ALEMANIA

1 Dated: August _____, 2005

BERTRAND, FOX & ELLIOT

2
3 By: /s/
Dana L. Soong

4 Attorneys for defendants CITY OF FREMONT, CRAIG
5 STECKLER and MICHAEL CHINN

6
7 ATTESTATION REGARDING SIGNATURES

8 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
9 "conformed" signature (/s/) within this efiled document.

10 Dated: August 11, 2005

 /s/
Joshua Sondheimer

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13 ~~PROPOSED~~ ORDER

14 PURSUANT TO STIPULATION, THIS COURT ORDERS THAT the deadline for the
15 ENE session be and hereby is extended to October 31, 2005.

16 IT IS SO ORDERED.

17
18 Dated: 8/30/05

 /s/ CLAUDIA WILKEN
Honorable Claudia Wilken
United States District Judge